

### Delegated report - DA 23/13429

#### Summary

<b>Proposal:</b>	Two lot Torrens title subdivision
<b>Address:</b>	339 Brolgan Road, Parkes
<b>Property description:</b>	Lot 1 DP 1251595
<b>Applicant:</b>	Currajong Planning
<b>Owner:</b>	Pet Care Distributors
<b>Date of lodgement:</b>	4 September 2023
<b>Notification period:</b>	Thursday 9 November 2023 until Wednesday 22 November 2023
<b>Submissions received:</b>	Nil (0)
<b>Assessment officer:</b>	Kaycee Dixon (RGDC) – Reviewed and amendmend by Elliott Weston (DPE)
<b>Estimated cost of works:</b>	\$25,000
<b>Zoning:</b>	Regional Enterprise Zone
<b>Flood affected:</b>	Partially
<b>Recommendation of officer:</b>	<b>Approval with conditions</b>

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#### Executive summary

The proposed development involves the subdivision of Lot 1 DP 1251595 into two (2) new allotments.

The site currently houses the Masterpet Pet Care Kitchen, which is used for industrial petfood production. An Activation Precinct Certificate (APC) (APC No. 94) has been issued (31 July 2023) for a Pet Care Kitchen PV Solar Farm on Lot 1 DP 1251595 to provide sustainable power supply to the Pet Care Kitchen (behind the meter) as well as green energy to other customers via the Central Grid (in front of the meter).

The proposed subdivision is not expected to result in any significant environmental impacts, with all works complying with the existing site environmental management plan. The proposal is assessed to be consistent with the planning requirements contained in the *Environmental*

*Planning and Assessment Act 1979.*

### Site and Surrounds

Lot 1 DP 1251595 is located in the Parkes Shire and within the Parkes Special Activation Precinct (SAP). The site contains an existing factory owned and operated by Pet Care Distributors. The factory premises includes a large format factory building, grain silo storage areas, food grade oil storages, hardstand, driveway and parking areas, unloading and loading areas, onsite wastewater management system, stormwater management system and landscaping. A new solar farm is also proposed to be developed towards the front of the block, between the existing factory building and the Brolgan Road.

The site is not known to be impacted by any environmental hazards, such as significant flooding or bushfire. Minor overland flooding during large storm events along the northern boundary of the site adjoining the Brolgan Road has been highlighted in the Parkes SAP Master Plan and Delivery Plan, as well as the recently updated Flood Report (Rev 2.2 dated 4/11/2022). The updated flood study is being considered in further detailed design investigations where any specific design responses to mitigate flood risk and stormwater management will be addressed.

There are no biodiversity impacts as the development does not require extensive removal of existing vegetation. There are no known Aboriginal Cultural Heritage issues or built heritage issues that need to be addressed as part of the proposed development.



**Figure 1: Subject Site**

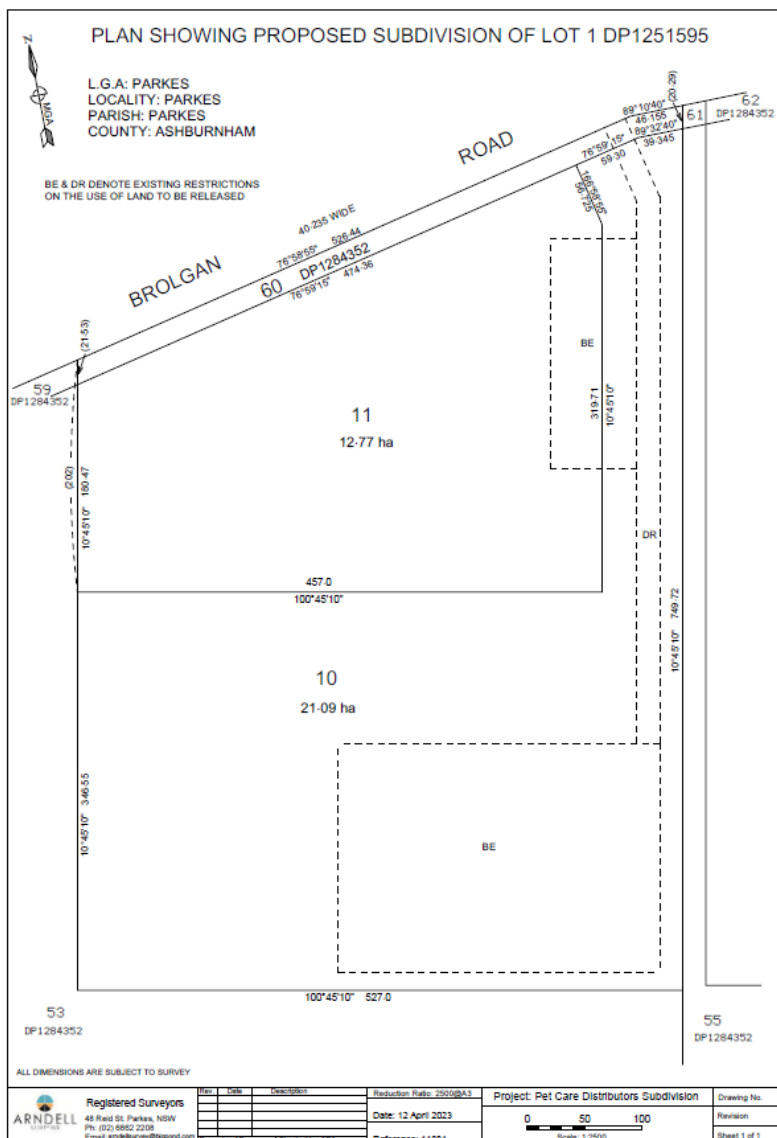


Figure 2: Proposed Subdivision Layout

## Description of the proposed development

The proposed development involves the subdivision of Lot 1 DP 1251595 into two (2) new allotments. The key elements of the proposal are as follows:

- Torrens Title subdivision into two (2) new lots.
- Proposed Lot 10 to have an area of approximately 21.09 hectares to accommodate the existing Pet Care Kitchen, existing driveways / hardstands and access to Brolgan Road, existing on-site wastewater management system, existing on-site stormwater detention pond, existing electricity supply mains, natural gas pipeline connection and telecommunications. Part of the new solar farm (behind the meter assets) will also be

accommodated on proposed Lot 10 along with upgraded stormwater management facilities. Adjustments to easements and removal of the existing building envelope will be implemented as part of the registration of new land titles.

- Proposed Lot 11 to have an area of approximately 12.77 hectares to accommodate an existing secondary access to Brolgan Road, existing farm dam and the balance of the proposed new solar farm (in front of the meter assets). It is proposed the existing access will be upgraded to a rural access standard and the stormwater management system will also be upgraded to allow overland flow to the legal point of discharge; being the Brolgan Road drainage system.

The Arndell Surveying Subdivision Layout Plan (and other documents) are attached and show the expected extent of proposed works. Now the APC has been issued, a Development Application is seeking to be obtained to allow subdivision works to be implemented and a Subdivision Certificate to be issued.

### Consent authority

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered to be local development.

In accordance with Schedule 1 of Part 1 of Section 1A of the Precincts-Regional SEPP, Chapter 3, the Planning Secretary is the consent authority for development on land in the Regional Enterprise Zone in the Parkes SAP.

### Section 4.10 designated development – EP&A Act

The proposal is not designated development.

### Section 4.47 Integrated Development – EP&A Act

The proposal is not integrated development.

### Referrals

The application was notified to the Parkes Shire council for comments during the exhibition period. On 19 December 2023, Parkes Shire Council confirmed that they did not wish to make any further comments to the application.

### Consideration of threatened species

Council is required under Section 4.15 of the EP&A Act to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW *Biodiversity Conservation Act 2016* or under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal

Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 7.3 of the Biodiversity Conservation Act 2016 sets out what must be considered in determining whether a proposed development will have a significant impact. Section 7.3 requires the consideration of the following:

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the ‘seven-part test’ described in the Section.

There are no biodiversity impacts as the development does not require extensive removal of existing vegetation.

### Section 4.14 Consultation and development consent – Certain bushfire prone land – EP&A Act, 1979

Section 4.14 of the EP&A Act requires an assessment to be made of the proposal against the requirements of the Rural Fire Service *Planning for Bushfire Protection 2019*.

The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP 2019 need to be made for most development on bushfire prone land which does not require an approval under the *Rural Fires Act 1997* as integrated development.

The proposed subdivision will not result in an increase to bushfire risk and does not require the grant of a bushfire safety authority under s.100B of the Rural Fires Act 1997

### Section 4.15 Considerations – EP&A Act

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

**4.15(1)(a) the provisions of:**

*(i) any environmental Planning Instrument*

State Environmental Planning Policy (Precincts—Regional) 2021

**Schedule 1 Parkes Activation Precinct**

**Compliance with the Master Plan**

## Section 4.15 Assessment Report

APC 94 was issued by the Regional Development Corporation on 31 July 2023. The APC was issued in accordance with the Masterplan and Delivery Plan.

### *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport & Infrastructure) SEPP*

The Transport & Infrastructure SEPP has not been triggered for this development as it does not contain a heritage item, is not a traffic generating development and is not adjacent to a railway corridor.

### *Parkes Local Environmental Plan 2012 (Parkes LEP 2012)*

Item	Response	Compliance (Yes/ No/ N/A)
2.6 (1) Subdivision — consent requirements	Subdivision is permitted with consent under this Clause. The proposal is not exempt development and a complying development certificate was not applied for.	N/A
2.7 Demolition requires development consent	There is no demolition proposed as part of the subdivision.	N/A
2.8 Temporary use of land	There is no temporary use of land.	N/A

### *4.15(1)(a)(ii) any draft environmental planning instruments*

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

### *4.15(1)(a)(iia) any planning agreement or draft planning agreement*

No planning agreement has been entered into under section 7.4 of the *EP&A Act*.

### *4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

The development is for a two-lot subdivision for the purposes of establishing a renewable energy supply for Pet Care Kitchen at Parkes. This aims to assist in reducing costs of production in the medium to long term. Supply of 'green energy' to other industries at the Parkes SAP through the distribution of electricity generated at the Pet Care Kitchen PV Solar Farm will also support ESD, emissions reduction and economic development targets at the Parkes SAP.

Given this, there will be benefits to the Parkes SAP, encouragement of renewable sources and will have little to no impacts on the locality.

### 4.15(1)(c) the suitability of the site for the development

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.

### 4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified from 9 November to 22 November 2023. Nil (0) submissions were received during this period.

### 4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

### Section 64 contributions

No Section 64 water and sewer charges are levied at this time on the development. At the time of construction and use of the land, further referral to Council will occur to consider what servicing charges apply.

### Section 7.11 contributions

Section 7.11 of the EP&A Act permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

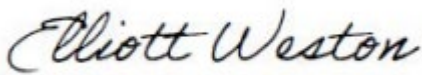
No conditions have been recommended by Council in relation to s. 7.11 development contributions.



### Conclusion

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

Recommended by:



Elliott Weston  
Principal Planning Officer  
Precinct Planning and Assessments  
Regions, Industry and Key Sites

Date: 19 December 2023

Determination

The recommendation is **Adopted** by:



Tristan Kell  
**Director Precinct Planning and Assessments**  
Regions, Industry and Key Sites  
as delegate of the Planning Secretary

Date: 19 December 2023